



Rep. Frank J. Mautino

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09800HB4043ham001

LRB098 15601 RLC 60228 a

1 AMENDMENT TO HOUSE BILL 4043

2 AMENDMENT NO. _____. Amend House Bill 4043 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 3 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

7 Sec. 3. (a) Except as provided in Section 3a, no person may
8 knowingly transfer, or cause to be transferred, any firearm,
9 firearm ammunition, stun gun, or taser to any person within
10 this State unless the transferee with whom he deals displays a
11 currently valid Firearm Owner's Identification Card which has
12 previously been issued in his name by the Department of State
13 Police under the provisions of this Act. In addition, all
14 firearm, stun gun, and taser transfers by federally licensed
15 firearm dealers are subject to Section 3.1.

16 (a-5) Any person who is not a federally licensed firearm

1 dealer and who desires to transfer or sell a firearm while that
2 person is on the grounds of a gun show must, before selling or
3 transferring the firearm, request the Department of State
4 Police to conduct a background check on the prospective
5 recipient of the firearm in accordance with Section 3.1.

6 (a-10) Any person who is not a federally licensed firearm
7 dealer and who desires to transfer or sell a firearm or
8 firearms to any person who is not a federally licensed firearm
9 dealer shall, before selling or transferring the firearms,
10 contact the Department of State Police with the transferee's or
11 purchaser's Firearm Owner's Identification Card number to
12 determine the validity of the transferee's or purchaser's
13 Firearm Owner's Identification Card. This subsection shall not
14 be effective until January 1, 2014. The Department of State
15 Police may adopt rules concerning the implementation of this
16 subsection. The Department of State Police shall provide the
17 seller or transferor an approval number if the purchaser's
18 Firearm Owner's Identification Card is valid. Approvals issued
19 by the Department for the purchase of a firearm pursuant to
20 this subsection are valid for 30 days from the date of issue.

21 (a-15) The provisions of subsection (a-10) of this Section
22 do not apply to:

23 (1) transfers that occur at the place of business of a
24 federally licensed firearm dealer, if the federally
25 licensed firearm dealer conducts a background check on the
26 prospective recipient of the firearm in accordance with

1 Section 3.1 of this Act and follows all other applicable
2 federal, State, and local laws as if he or she were the
3 seller or transferor of the firearm, although the dealer is
4 not required to accept the firearm into his or her
5 inventory. The purchaser or transferee may be required by
6 the federally licensed firearm dealer to pay a fee not to
7 exceed \$10 per firearm, which the dealer may retain as
8 compensation for performing the functions required under
9 this paragraph, plus the applicable fees authorized by
10 Section 3.1;

11 (2) transfers as a bona fide gift to the transferor's
12 husband, wife, son, daughter, stepson, stepdaughter,
13 father, mother, stepfather, stepmother, brother, sister,
14 nephew, niece, uncle, aunt, grandfather, grandmother,
15 grandson, granddaughter, father-in-law, mother-in-law,
16 son-in-law, or daughter-in-law;

17 (3) transfers by persons acting pursuant to operation
18 of law or a court order;

19 (4) transfers on the grounds of a gun show under
20 subsection (a-5) of this Section;

21 (5) the delivery of a firearm by its owner to a
22 gunsmith for service or repair, the return of the firearm
23 to its owner by the gunsmith, or the delivery of a firearm
24 by a gunsmith to a federally licensed firearms dealer for
25 service or repair and the return of the firearm to the
26 gunsmith;

1 (6) temporary transfers that occur while in the home of
2 the unlicensed transferee, if the unlicensed transferee is
3 not otherwise prohibited from possessing firearms and the
4 unlicensed transferee reasonably believes that possession
5 of the firearm is necessary to prevent imminent death or
6 great bodily harm to the unlicensed transferee;

7 (7) transfers to a law enforcement or corrections
8 agency or a law enforcement or corrections officer acting
9 within the course and scope of his or her official duties;

10 (8) transfers of firearms that have been rendered
11 permanently inoperable to a nonprofit historical society,
12 museum, or institutional collection; and

13 (9) transfers to a person who is exempt from the
14 requirement of possessing a Firearm Owner's Identification
15 Card under Section 2 of this Act.

16 (a-20) The Department of State Police shall develop an
17 Internet-based system for individuals to determine the
18 validity of a Firearm Owner's Identification Card prior to the
19 sale or transfer of a firearm. The Department shall have the
20 Internet-based system completed and available for use by July
21 1, 2015. The Department shall adopt rules not inconsistent with
22 this Section to implement this system.

23 (b) Any person within this State who transfers or causes to
24 be transferred any firearm, stun gun, or taser shall keep a
25 record of such transfer for a period of 10 years from the date
26 of transfer. Such record shall contain the date of the

1 transfer; the description, serial number or other information
2 identifying the firearm, stun gun, or taser if no serial number
3 is available; and, if the transfer was completed within this
4 State, the transferee's Firearm Owner's Identification Card
5 number and any approval number or documentation provided by the
6 Department of State Police pursuant to subsection (a-10) of
7 this Section. On or after January 1, 2006, the record shall
8 contain the date of application for transfer of the firearm. On
9 demand of a peace officer such transferor shall produce for
10 inspection such record of transfer. If the transfer or sale
11 took place at a gun show, the record shall include the unique
12 identification number. Failure to record the unique
13 identification number or approval number is a petty offense.

14 (b-5) Any resident may purchase ammunition from a person
15 within or outside of Illinois if shipment is by United States
16 mail or by a private express carrier authorized by federal law
17 to ship ammunition. Any resident purchasing ammunition within
18 or outside the State of Illinois must provide the seller with a
19 copy of his or her valid Firearm Owner's Identification Card
20 and either his or her Illinois driver's license or Illinois
21 State Identification Card prior to the shipment of the
22 ammunition. The ammunition may be shipped only to an address on
23 either of those 2 documents.

24 (c) The provisions of this Section regarding the transfer
25 of firearm ammunition shall not apply to those persons
26 specified in paragraph (b) of Section 2 of this Act.

1 (d) The Department of State Police may not retain, copy, or
2 distribute any information previously collected under this
3 Section. Except as provided in subsection (e) of this Section,
4 the Department shall destroy all records of the dial up
5 telephone system with respect to the call and all records of
6 the system relating to the person or the transfer, within 45
7 days after the call, other than the identifying numbers and the
8 date the numbers were assigned.

9 (e) If the transfer of a firearm is denied by the
10 Department of State Police, the Department shall keep the
11 records of a denial until the denial is appealed and
12 overturned, or at least 120 years. For the purposes of this
13 Act, "transfer" means the permanent transfer of possession,
14 ownership, or title to a firearm. "Transfer" does not include
15 any other condition of possession or use of a firearm, except
16 as provided in this subsection (e).

17 (Source: P.A. 97-1135, eff. 12-4-12; 98-508, eff. 8-19-13.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."